



2827

PATENT
5181-37301

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/546,101
Filed: April 10, 2000
Inventors:
Carney et al.

**Title: CARD RETENTION
MECHANISM**

§ Examiner: T. Dinh
§ Group/Art Unit: 2827
§ Atty. Dkt. No: 5181-37301/EBM

CERTIFICATE OF MAILING
37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, Washington, DC 20231, on the date indicated below.

JOANN SCOTT
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JO ANN SCOTT 11-12-02
 Signature Date

AMENDMENT; RESPONSE TO OFFICE ACTION MAILED AUGUST 9, 2002

Commissioner for Patents
Washington, D.C. 20231

Amendment

Sir:

Please amend the above-captioned application as follows:

In The Claims:

Please cancel claim 3 without prejudice.

Below is a clean copy of the amended claims. A marked-up copy of the amended claims is provided in an accompanying document.

TECHNIKUM LINZ 2000

1. (amended) A card retention system for retaining a card within a computer system, comprising:

a card having an endplate;

a carrier configured to mount within the computer system;

a retainer configured to be pivotally positioned in the carrier;

a lock mechanism configured to inhibit rotation of the retainer to an open position when the retainer is in a closed position; and

wherein at least one surface of the retainer couples to the endplate of the card when the retainer is in the closed position to inhibit movement of the card, and wherein the retainer further comprises a grip configured to facilitate retraction of the protrusion to allow the retainer to be rotated to the open position..

12. (amended) A retention mechanism for retaining a card within a computer system, comprising:

a carrier configured to mount within the computer system, the carrier comprising a rotation inhibitor;

a retainer pivotally coupled to the carrier, the retainer having at least one surface configured to engage the card when the retainer is in a closed position; and

wherein a portion of the retainer contacts the rotation inhibitor when the retainer is in the closed position to inhibit rotation of the retainer to an open position.

22. (amended) A card retention system for a computer system, comprising:

a card having an endplate;

a carrier configured to mount within the computer system, the carrier comprising a stop;

a retainer rotatably positionable in the carrier, wherein the stop of the carrier is configured to hold the retainer in an open position;

a lock mechanism configured to inhibit rotation of the retainer to the open position when the retainer is in a closed position; and

wherein at least one surface of the retainer couples to the endplate of the card when the retainer is in the closed position to inhibit movement of the card, and wherein the retainer further comprises a grip configured to facilitate retraction of the protrusion to allow the retainer to be rotated to the open position.

Response to Office Action dated August 9, 2002

A. Pending Claims

Claims 1, 2, 4 and 7-23 are pending in the case. Claims 1, 12, and 22 have been amended. Claim 3 has been cancelled without prejudice.

B. The Claims Are Not Indefinite Pursuant To 35 U.S.C. § 112, second paragraph

The Examiner rejected claims 1-4 and 7-23 under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Claims 1, 12, and 22 have been amended for clarification. Claim 3 has been cancelled without prejudice. Applicant disagrees that the claims are indefinite.

In the Office Action, the Examiner states: "Regarding claim 1, line 1, it is unclear. The phrase of "a card retention system for a computer system" is not understood." Applicant respectfully disagrees. Claim 1 has been amended for clarification.

Inventor: Carney et al.
Appl. Ser. No.: 09/546,101
Atty. Dckt. No.: 5181-37301

In the Office Action, the Examiner states: "Regarding claim 1, line 4, it is confuse. The phrase of 'a retainer pivotally positionable in the carrier' is not understood." Applicant disagrees that claim 1 is indefinite. Claim 1 has been amended for clarification.

In the Office Action, the Examiner states: "Regarding claim 1, lines 5-6 and claim 22, lines 6-7, it is unclear. The phrase of 'a lock mechanism configured to inhibit rotation of the retainer to an open position when the retainer is in a closed position' is not understood." Applicant believes there is no indefiniteness associated with "to inhibit rotation" and "to an open position." An Applicant can define in the claims what they regard as the invention essentially in whatever terms they chose. MPEP 2173.01 Applicant respectfully requests removal of the rejection to claims 1 and 22.

In the Office Action, the Examiner states: "Regarding claim 12, lines 6-7, it is confuse. The phrase of 'wherein a portion of the retainer contacts the inhibit rotation when the retainer is in the closed position to inhibit rotation of the retainer to an open position' is not understood."

Claim 12, lines 6-7 state, in part: "wherein a portion of the retainer contacts the rotation inhibitor when the retainer is in the closed position to inhibit rotation of the retainer to an open position." Applicant believes there is no indefiniteness associated with "to inhibit rotation" and "to an open position." Applicant respectfully requests removal of the rejection to claim 12.

Applicant submits that claims 1, 2, 4, and 7-23 are not indefinite. Applicant respectfully requests removal of the rejections to claims 1, 2, 4, and 7-23.

C. The Claims Are Not Obvious Over The Cited Art Pursuant To 35 U.S.C. § 103(a)

The Examiner rejected claims 1-4 and 7-23 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,215,668 to Hass et al. (hereinafter referred to as “Hass”) in view of U.S. Patent No. 5,673,175 to Carney et al. (hereinafter referred to as “Carney”). To reject a claim as obvious, the Examiner has the burden of establishing a *prima facie* case of obviousness. *In re Warner et al.*, 379 F.2d 1011, 154 U.S.P.Q. 173, 177-178 (C.C.P.A. 1967). Applicant disagrees that the claims are obvious in light of the cited art.

The Examiner stated that “Hass discloses a card retention system wherein the retainer further comprises a grip (608, column 7, line 2) configured to facilitate retraction of the protrusion to allow the retainer being rotated in the open position.” Applicant respectfully disagrees that Hass discloses all of the features of the claims. Hass appears to teach “a loading surface 608 of a flexible wing, or loop...of expansion card retaining unit engag[ing] tab 108.” (emphasis added, column 7, lines 2-4)

Claims 1, 2, 4, 7-11, 22, and 23 describe a system including, in part: “a grip configured to facilitate retraction of the protrusion to allow the retainer to be rotated to the open position.” At least this feature in combination with the other features of the claims does not appear to be taught or suggested by Hass or Carney. Applicant requests removal of the obviousness rejections of claims 1, 2, 4, 7-11, 22, and 23.

If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Applicant believes that many of the dependent claims are separately patentable.

Inventor: Carney et al.
Appl. Ser. No.: 09/546,101
Atty. Dckt. No.: 5181-37301

In the Office Action, the Examiner stated:

As to claim 2, Hass discloses the card retention system wherein the lock mechanism comprises an engagement surface (804, column 7, line 55) on the carrier (814) and a protrusion (800; 808) extending from the retainer, wherein the protrusion interacts with the engagement surface to inhibit rotation of the retainer to the open position.

Applicant respectfully disagrees. Hass appears to teach “portion 802 of rounded-rectangular first end 800 is oriented such that it may not pass back through opening 804.”
(Column 7, lines 66-67)

Claim 2 describes a combination of features including: “wherein the protrusion interacts with the engagement surface to inhibit rotation of the retainer to the open position.” Applicant submits that at least the quoted feature of claim 2 does not appear to be taught or suggested by the cited art. Applicant requests removal of the rejection to claim 2.

In the Office Action, the Examiner stated: “As to claims 4, and 10, Hass discloses all of the limitations of the claimed invention, except for a color of a retainer being different than a color of a carrier and a grip. It would have been obvious to modify the retention mechanism of Hass and provide the color different between the retainer and the carrier and the grip.” Applicant respectfully disagrees that it would be obvious to modify the retention mechanism of Hass to provide color differences in the carrier and the grip. Pursuant to MPEP 2144.03, Applicant respectfully requests the Examiner to provide support for his assertion either by an affidavit or by references brought to the Applicant’s attention. Otherwise, Applicants request this rejection be removed. *See, e.g., MPEP 2143.01.*

In the Office Action, the Examiner stated: “As to claim 7, Hass discloses a card retention system as shown in figure 6 further comprising a second retainer rotatably mounted to the carrier adjacent to the retainer, the second retainer configured to hold a second card within the computer

system.” Applicant submits that for at least the reasons previously mentioned, Hass does not appear to teach or suggest all of the features of claim 7. Therefore, Applicant respectfully requests removal of the rejection to claim 7.

In the Office Action, the Examiner stated: “As to claim 8, Hass discloses a card retention system as shown in figure 6 wherein the card comprises a blanking cover.” Applicant submits that for at least the reasons previously mentioned, Hass does not appear to teach or suggest all of the features of claim 8. Thus, Applicant respectfully requests removal of the rejection to claim 8.

In the Office Action, the Examiner stated: “As to claim 9, Hass inherently discloses a card retention system as shown in figure 1-6 wherein the card electrically (connector) couples to a circuit board (motherboard) of the computer system.” Applicant submits that for at least the reasons previously mentioned, Hass does not appear to teach or suggest all of the features of claim 9. Applicant respectfully requests removal of the rejection to claim 9.

In the Office Action, the Examiner stated, “As to claim 11, Hass discloses a card retention system as shown in figure 4 further comprising a processor (431) coupled to the computer system.” Applicant submits that for at least the reasons previously mentioned, Hass does not appear to teach or suggest all of the features of claim 11. Applicant respectfully requests removal of the rejection to claim 11.

In the Office Action , the Examiner, rejected claim 12, stated:

Hass does not teach a carrier comprises rotation inhibitor...Carney teaches a carrier (24) comprises rotation inhibitor (41-figure 1); and a portion (72) or the retainer (57) contacts the rotation inhibitor (41) when the retainer (57) is in closed position.

Applicant respectfully disagrees with the Examiner’s characterization of Carney. Carney teaches that a “cover [of a PCI card] 38 has...a laterally outwardly bent tab 41.”

Inventor: Carney et al.
Appl. Ser. No.: 09/546,101
Atty. Dckt. No.: 5181-37301

Claims 12-16 include, in part, “a carrier comprising a rotation inhibitor.” At least this feature of claims 12-16 in combination with the other features of the claims do not appear to be taught or suggested by Hass or Carney. Applicant requests removal of the obviousness rejections of claims 12-16.

The Examiner rejected claims 17-21 as “necessitated by the retention mechanism structures, as it is discloses by Hass in view of Carney.” Claims 17-21 include in part, “gripping a grip of a retainer.” For the reasons previously mentioned, Hass and Carney do not teach at least the quoted feature. Thus, Applicant respectfully requests the removal of the obviousness rejections of claims 17-21.

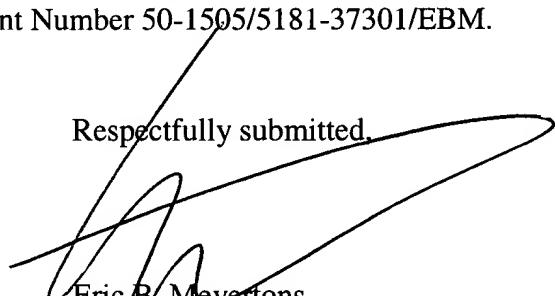
Inventor: Carney et al.
Appl. Ser. No.: 09/546,101
Atty. Dckt. No.: 5181-37301

D. Summary

Applicant submits that the claims are in condition for allowance. Favorable reconsideration is respectfully requested.

Applicant believes that no fees are due in association with the filing of this response. If any extension of time is required, Applicant hereby requests the appropriate extension of time. If any fees are required or have been overpaid, please appropriately charge or credit those fees to Conley, Rose & Tayon, P.C. Deposit Account Number 50-1505/5181-37301/EBM.

Respectfully submitted,


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